

DISTRICT 1  
WAYNE J. VAN DE GRAAFF  
923 HEPBURN AVE., CALEXICO, CA 92231

DISTRICT 2  
BILL COLE  
836 W. MAIN ST., EL CENTRO, CA 92243

DISTRICT 3  
DEAN A. SHORES  
940 W. MAIN ST., SUITE 212, EL CENTRO, CA 92243

DISTRICT 4  
BRAD LUCKEY  
P.O. BOX 1271, BRAWLEY, CA 92227

DISTRICT 5  
SAM SHARP  
660 OLIVE AVE., HOLTVILLE, CA 92250

LINDA K. WEAVER  
CLERK OF THE BOARD

COUNTY ADMINISTRATION CENTER  
940 W. MAIN STREET, #212  
EL CENTRO, CA 92243-2871  
TELEPHONE: (619) 339-4220

FAX: (619) 352-7876

## Board of Supervisors County of Imperial

March 2, 1995

Federal Communication Commission  
1919 M Street NW  
Washington, D.C. 20036  
Attention: Commissioners

DOCKET FILE COPY ORIGINAL

Subject: Cellular Telecommunication Industry Associations petition for rule making

Honorable Commissioners:

The County of Imperial has recently been informed that there is or may be an effort by the Cellular Telecommunications Industry Association to obtain a change in the regulatory system, whereby the FCC would be the sole controlling agency over the installation and operation of cellular telecommunication towers. As we understand the request, any rule making to this extent would preempt State and/or local governments from adequately enforcing zoning and other similar land use regulations. If in fact such a request has been submitted to the Commission, and if in fact it is being considered by your Commission, the County of Imperial herewith adamantly and strenuously objects to any effort by the Industry to have the County preempted from the local legislative or permitting procedure authority.

First, we must stress to the Commission that over the past several years, our Planning Department has processed numerous cellular telecommunication tower sites for a number of different cellular operators, in concert with the California Public Utilities Commission. To our knowledge, this process has worked efficiently, effectively without delay and has posed no extraordinary or unusual burden on the Industry.

Second, the local land use authority as authorized under a California State law requires that every County have a General Plan, for the orderly and efficient development of its County. This County has just recently adopted its latest version of the General Plan as of November 9, 1993. This General Plan provides for the proper development of this County and any land use that is to be placed in this County must conform with the Plan.

Third, telecommunication towers, be they cellular or otherwise, pose numerous potential safety problems which need to be viewed on a local basis against local conditions. The County of Imperial specifically is an agricultural County with nearly 500,000 acres of agricultural land. Much of this land requires the aerial application of various agricultural related products, by what is known as "crop dusters". The placement of any such towers or devices protruding from the

No. of Copies rec'd  
List A B C D E

02

earths' surface in excess of about forty (40) feet, places an extreme hazard to these aerial applicators as well as any pilot.

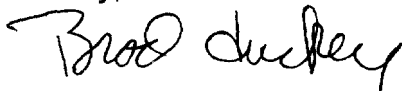
Therefore the County has established in conjunction with the Airport Land Use Commission some very standard regulatory requirements on all towers. Additionally, the location of these towers are also noticed to all aerial applicators, as well as all private pilots that are on our mailing list. This provides for good coordination and good communication and minimizes any aerial safety hazard.

Fourth, the placement of these towers also requires an environmental evaluation under the California Environmental Quality Act, which in effect determines the potential effects this tower may have on adjoining property, and once again Federal preemption would easily circumvent this process.

Lastly, while the County adamantly and strenuously opposes any FCC rule making that would remove local land use authority on cellular sites, the County wishes to assure the FCC that it has no interest in regulating the cellular or wireless telecommunication industry in any other manner other than land use. Namely, we are not interested in rate structures or operating permits, etc. That we feel is the responsibility of either the PUC or the FCC. Certainly we are all interested in effective and quality communication systems at reasonable costs. However we do not feel that preempting State or local governments from the "siting" ability requirements is necessary, or has the current process in any way interfered in the location of these communication sites.

We would appreciate the FCC's consideration in this matter and we strongly urge that you not support and most certainly that you not undertake any rule making in this regard. We would also request that the County of Imperial, Planning Department, be notified in a timely manner on any such proposed rule making efforts. Please direct such notification to the Planning Department at 939 Main Street, El Centro, California, 92243 or if you have any questions, please call 619-339-4236 ext. 310.

Sincerely,



**BRAD LUCKEY, CHAIRMAN  
BOARD OF SUPERVISORS**

cc: Board of Supervisors  
Tom Fries, County Counsel  
Rich Inman, CAO  
Joanne Yeager, Assistant County Counsel  
Jurg Heuberger, Planning Director  
John Morrison, Assistant Planning Director  
Richard Cabanilla, Planning Division Manager

JH/sm/FedCC.